

**HIGH COURT OF TRIPURA
AGARTALA
CRL.PETN NO.34 OF 2022**

Kunal Kumar Ghosh @ Kunal Ghosh

..... **Petitioner(s)**

Vs.

The State of Tripura and anr.

..... **Respondent(s)**

For the Petitioner(s) : None.

For the Respondent(s) : Mr. S. Debnath, Addl. P.P.

Date of hearing and delivery of
Judgment & Order : 09.01.2023.

Whether fit for reporting : NO.

HON'BLE THE CHIEF JUSTICE(ACTING)

JUDGMENT AND ORDER(ORAL)

The brief fact of this instant petition is that respondent No.2 herein lodged a complaint dated 02.11.2021 before the Officer-in-Charge, Birganj Police Station and an FIR was registered bearing registration No. Birganj PS Case No.2021 BIRGANJ 064. Thereafter, the police authorities investigated the case and after completion of the investigation, on 21.03.2022, police submitted charge sheet against the petitioner. Based on the said charge sheet, the learned Sub-Divisional Judicial Magistrate, Amarapur, Gomati District Tripura

vide impugned order dated 22.03.2022 took cognizance of the matter. Challenging the impugned order dated 22.03.2022, the petitioner has filed the instant petition and prayed for the following reliefs:-

" i) Issue notice, calling upon the respondents and each one of them, to show cause as to why an appropriate Direction/Order, shall not be issued, for quashing/setting aside the impugned Order dated 22.03.2022, passed by the Id. Sub-Divisional Magistrate, Amarpur, Gomati Tripura, in Case No.2021 BIRGONJ 064, which was subsequently renumbered as PRC(WP)48 of 2022 whereby Ld. Court of the Sub-Divisional Magistrate, Amarpur, Gomati, Tripura took cognizance of offence punishable under Sections 295A/298/504 of Indian Penal Code against the petitioner;

ii) Pass an interim order staying the further proceeding of PRC(WP)48 of 2022, pending before the Judicial Magistrate First Class, Court No.1, Khowai;

iii) After hearing the parties, be pleased to make an Order absolute in terms of (I) above;

iv) Call for the records appertaining to this petition;

v) Costs of any incidental to this proceedings;

vi) Any other relief(s) as to this Hon'ble High Court may deem fit and proper;"

2) It is seen from the record that on the last occasion dated 05.12.2022, there was no representation on behalf of the petitioner. However, Mr. S. Debnath learned Addl. P.P. sought for an adjournment and the same was considered. Today when the matter is called out, there is no representation on behalf of the petitioner. Mr. S. Debnath learned Addl. P.P. appears for the respondents.

3) It is represented by learned Addl. P.P. that apart from filing the present petition before this Court praying for the above-mentioned reliefs, a discharge petition has also been filed by the petitioner before the Court below, and the same is pending for final hearing and order.

4) In view of the parallel proceeding pending before the Court below, this Court feels that adjudicating the matter for the present is not necessary. Accordingly, this criminal petition is dismissed giving liberty to the petitioner herein to pursue the matter of the discharge petition before the Court below on merit.

5) Consequently, pending application(s), if any, also stands closed.

CHIEF JUSTICE (ACTING)



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